#15 J. Douglas 4/8/04

Serial No.: 09/465,038 RCA89605

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor	:	**Ronald Thomas Keen**
Serial No.	:	**09/465,038**
Filed	:	**December 16, 1999**
Title	:	**METHOD FOR REDUCING VISUAL EFFECTS OF ARTIFACTS PRESENT IN A LINE SCANNED VIDEO DISPLAY**
Examiner	:	**Brian P. Yenke**
Art Unit	:	**2614**

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S I R:

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Patricia A. Verlangieri

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APPELLANTS' BRIEF UNDER 37 C.F.R. § 1.192

On November 3, 2003, the Applicants mailed a timely Notice of Appeal (that was received in the United States Patent and Trademark Office on November , 2003) from the action of the Examiner finally rejecting all the pending claims. The Applicants herein file this Brief in accordance with 37 C. F. R. § 1.192.

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1. IDENTIFICATION OF THE REAL PARTY IN INTEREST

The real party in interest for the above-identified application is Thomson Inc., which is the assignee of record for this application.

2. IDENTIFICATION OF RELATED APPEALS OR INTERFERENCES

To the best of the applicants' knowledge, there are no appeals or interferences that will be directly affected by, or will have a bearing on the decision of this appeal.

3. STATUS OF THE CLAIMS

The above-identified patent application was filed on December 16, 1999. Claims 1-24 are pending.

In the first Office Action, mailed February 15, 2002 (Paper No. 5), claims 1-24 were rejected.

In appellant's response to the first Office Action, dated May 15, 2002, claims 1-24 were amended.

The Examiner in the second Office Action, mailed August 13, 2002 (Paper No. 7), finally rejected claims 1-24 under 35 U. S. C. § 102 on the basis of newly cited prior art stating that "applicant's amendment necessitated the new ground of rejection".

On January 13, 2003, appellants submitted an amendment along with a Request for Continued Examination (RCE). In the amendment, claims 2-24 were cancelled. Claim 1 was amended and claims 25-26 were added.

The Examiner in the third Office Action, mailed March 27, 2003 (Paper No. 11), rejected claims 1 and 25-26.

In appellant's response to the third Office Action, mailed June 25, 2003, claim 26 was amended.

The Examiner in a forth Office Action, mailed August 4, 2003 (Paper No. 13), the Examiner finally rejected claims 1 and 25-26.

The status of the claims is as follows:

Twice amended claim 1. Once amended claim 26. A copy of the claims, as amended, is attached as Appendix A. All claims stand finally rejected.

4. STATUS OF THE AMENDMENTS

No amendments were made to the claims after final rejection. All amendments were entered.

5. SUMMARY OF THE INVENTION

Appellant's invention, as set forth in independent claim 1, is directed to a method for reducing the visual effects of an artifact in a line scan portion of a television display having a scan frequency of f_h. See appellant's specification at page 2, lines 26-33. The method includes determining if the artifact has a controllable frequency and is attributable to a periodic signal generated in the television display. See appellant's specification at page 3, lines 3-12. If the artifact has a controllable frequency and is attributable to a periodic signal generated in the television display, calculating a value for the frequency of the periodic signal to be an odd harmonic of $f_h/2$. See appellant's specification at page 3, lines 19-23. Thereafter, the calculated value for the frequency of the periodic signal is rounded to an integer number of kHz. See appellant's specification at page 3, lines 23-26. Finally, the frequency of the periodic signal is set to be equal to the rounded value. See appellant's specification at page 3, lines 19-26.

6. ISSUES

The issue on appeal is:

1. Whether appellants' claims 1 and 25-26 are obvious over U. S. Patent No. 5,812,184 to Martinez (Martinez hereinafter).

7. GROUPING OF CLAIMS

All pending claims stand and fall together.

8. ARGUMENT

1. Claims 1 and 25-26 are not rendered obvious by Martinez

Martinez discloses an interactive television and data transmission system (T-NET). See Martinez at column 1, lines 17-19. Martinez adds 2-way communication capability to cable television (CATV) systems. See Martinez at column 2, lines 20-23. FIG. 7 teaches one embodiment in which a viewer's digital response is transmitted during a video portion on one or several pre-assigned TV horizontal scan lines which also carry regular video pictures to the viewer. See Martinez at column 9, lines 28-35. The viewer's response digital data rate must equal an odd harmonic of one-half the standard TV horizontal scan rate. See Martinez at column 9, lines 40-43. In a first example, the frequency of the viewer's digital response is at a multiple of 455 times one-half the horizontal scan rate in a frequency of 3.579545 MHz. See Martinez at column 13, lines 57-63. In a second example, the viewer's digital response has a frequency of 2.006118 MHz, which is 255 times one-half the horizontal scan frequency. See Martinez at column 14, lines 59-63. These two examples signify that a frequency with a resolution of at least one Hz because the two calculated frequencies can be specified down to at least the third decimal place for example, as follows:

2,006,118.881 Hz (225 x 0.5 x 15,734.26573 Hz) and 3,579,545.454 Hz (455 x 0.5 x 15,734.26573 Hz).

In appellant's claims 1 and 25-26, a method is described for reducing the visual effects of an artifact in a line scan portion of a television display having a scan frequency of f_h. See appellant's specification at page 2, lines 26-33. The method includes determining if the artifact has a controllable frequency and is attributable to a periodic signal generated in the television display. See appellant's specification at page 3, lines 3-12. If the artifact has a controllable frequency and is attributable to a periodic signal generated in the television display, calculating a value for the frequency of the periodic signal to be an odd harmonic of $f_h/2$. See appellant's specification at page 3, lines 19-23. Thereafter, the calculated value for the frequency of the periodic signal is rounded to an integer number of kHz. See appellant's specification at page 3, lines 23-26. Finally, the frequency of the periodic signal is set to be equal to the rounded value. See appellant's specification at page 3, lines 19-26.

Martinez does not disclose or suggest a method for reducing the visual effects of an artifact in a line scan portion of a television display having a scan frequency of f_h by calculating a value for the frequency of the periodic signal to be an odd harmonic of $f_h/2$, rounding the calculated value for the frequency of the periodic signal is rounded to an integer number of kHz and setting the frequency of the periodic signal to be equal to the rounded value. In particular, Martinez only teaches that the viewer's response digital data rate must equal an odd harmonic of one-half the standard TV horizontal scan rate. Additionally, Martinez teaches away from rounding the calculated frequency to the unit of KHz, which is 1000 times the frequency disclosed therein, by specifying the two frequencies to the unit of Hz. Therefore, appellants submit that claims 1 and 25-26 are not rendered obvious by Martinez.

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In view of the foregoing arguments, appellants respectfully request that the Examiners' rejection of claims 1 and 25-26 be reversed. Favorable action is respectfully requested.

Respectfully submitted,
Michael Schreiber

Patricia A. Verlangieri, Attorney
Reg. No. 42,201
(609) 734-6867

Thomson Inc.
P. O. Box 5312
Princeton, New Jersey 08543-5312

April 5, 2004

Attachments
Appendix A - Claims 1 and 25-26